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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Benjamin ZAZUETA** **AKA: Benjamin ZAZUETA-Norzagaray** Defendant.	Magistrate Case No. '08 MJ 0587 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii) - Bringing in Illegal Alien Without Presentation

The undersigned complainant being duly sworn states:

On or about **February 27, 2008**, at the San Ysidro Port of Entry, within the Southern District of California, defendant **Benjamin ZAZUETA AKA: Benjamin ZAZUETA-Norzagaray**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Alfredo Roberto TORRES-Espinoza** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF **FEBRUARY 2008.**

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Alfredo Roberto TORRES-Espinoza** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 27, 2008, at approximately 0445 hours, **Benjamin ZAZUETA AKA: Benjamin ZAZUETA-Norzagaray (Defendant)** made application for admission into the United States from Mexico at the San Ysidro Port of Entry vehicle entrance. Defendant was the driver and sole visible occupant of a brown 1982 Volkswagon Van. A United States Customs and Border Protection (CBP) Canine Enforcement Officer was performing pre-primary roving operations when his Human/Narcotics Detector Dog (H/NDD) alerted to the Volkswagon Van. A CBP Officer assisting the Canine Enforcement Officer approached the vehicle and initiated an inspection. Defendant told the officer he has owned the vehicle for two months and was not bringing anything from Mexico. Defendant was escorted to secondary and the van was driven to x-ray area for further inspection.

During an x-ray scan of the vehicle, a CBP officer discovered an anomaly under the rear seat. CBP officers removed a metal plate cover underneath the dashboard by removing two screws and discovered a male concealed in a non-factory compartment. CBP officers unbolted the rear bench seat using a socket and ratchet wrench and opened a hinged cover to a non-factory compartment located in front of the engine firewall revealing another concealed male. The two males were determined to be citizens of Mexico without entitlements to enter the United States. One of the males was retained as a material witness and is now identified as **Alfredo Roberto TORRES-Espinoza (Material Witness)**.

During a videotaped proceeding, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted knowledge that two undocumented aliens were concealed in the vehicle. Defendant admitted he was to receive $1,500.00 USD as compensation for smuggling the undocumented aliens and transporting them to the K-mart department store parking lot located in San Ysidro, California.

A videotaped interview was conducted with Material Witness. Material Witness declared he is a citizen of Mexico without legal rights or entitlements to enter the United States. Material Witness stated he was going to pay $4,000.00 USD to be smuggled into the United States and made the arrangements with a female smuggler he met in Tijuana, Mexico. Material Witness stated he intended to travel to Hesperia, California to seek employment.